

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER J. FEDDER,

Plaintiff,

v.

COMMONWEALTH OF  
PENNSYLVANIA, *et al.*,

Defendants.

No. 4:19-CV-01548

(Judge Brann)

(Magistrate Judge Mehalchick)

**ORDER**

**SEPTEMBER 14, 2020**

Plaintiff commenced the instant action on September 9, 2019, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On August 17, 2020, Magistrate Judge Karoline Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the Commonwealth of Pennsylvania’s motion to dismiss be granted, that Plaintiff’s malicious prosecution claim be dismissed without prejudice, that all other claims be dismissed with prejudice, that the Court sua

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<sup>1</sup> 28 U.S.C. 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. 636(b)(1).

sponte dismiss any independently asserted claims against Snyder County for lack of subject matter jurisdiction (with prejudice as to all but Plaintiff's malicious prosecution claim), and that the Clerk of Court be directed to close this case.

No timely objections to the report and recommendation have been filed.<sup>3</sup> For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."<sup>4</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>5</sup>

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Magistrate Judge Mehalchick's August 17, 2020 Report and Recommendation, Doc. 21, is **ADOPTED in full**.

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<sup>3</sup> Plaintiff filed objections—but after the deadline for doing so. *See* Doc. 21 at 28; Docs. 22, 23.

<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

2. Defendant Commonwealth of Pennsylvania's motion to dismiss, Doc. 12, is **GRANTED**.
3. Plaintiff's claims against Defendant Snyder County are **DISMISSED** sua sponte to the following extent:
  - a. Plaintiff's malicious prosecution claim is **DISMISSED WITHOUT PREJUDICE**.
  - b. All other of Plaintiff's claims are **DISMISSED WITH PREJUDICE**.
4. The Clerk of Court is directed to **CLOSE** the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge